

EXHIBIT B

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

JOHN FUJIWARA *et al.*,

Defendants.

Adv. Pro. No. 10-04289 (CGM)

**[PROPOSED] ORDER GRANTING TRUSTEE’S MOTION
TO ENFORCE SETTLEMENT AGREEMENT**

WHEREAS, Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–*lll*, and the chapter 7 estate of Bernard L. Madoff (“Madoff”) (collectively, “Debtor”), commenced this adversary

proceeding (the “Adversary Proceeding”) against Defendant John Fujiwara (“Mr. Fujiwara”) and his late wife by filing his complaint dated November 26, 2010. (ECF No. 1)

WHEREAS, the parties entered into a settlement (the “Settlement Agreement”), effective January 13, 2020, in accordance with the *Order Pursuant to Section 105(a) of the Bankruptcy Code and Rules 2002 and 9019 of the Federal Rules of Bankruptcy Procedure Granting Authority and Establishing Procedures for Settlement Agreements in Connection with Avoidance Actions Filed by the Trustee*, dated November 12, 2010 (*Sec. Inv 'r Prot. Corp. v. Bernard L. Madoff Inv. Sec. LLC*, No. 08-01789 (CGM), ECF No. 3181).

WHEREAS, the parties submitted a stipulation for voluntary dismissal, so ordered by this Court on January 17, 2020, wherein this Adversary Proceeding was dismissed “without prejudice subject to the Trustee having the right to re-open th[e] adversary proceeding in the event of an uncured default under the Settlement Agreement . . .” (ECF No. 100)

WHEREAS, on March 23, 2022, the Trustee’s counsel informed this Court that Mr. Fujiwara has failed to make a certain payment required under the Settlement Agreement which has not been cured, and moved the Court to reopen this Adversary Proceeding to allow the Trustee to begin taking steps to collect the outstanding amount due and owing under the Settlement Agreement. (ECF No. 101)

WHEREAS, on April 18, 2022, the Court granted the Trustee’s unopposed motion to reopen this Adversary Proceeding. (ECF No. 116)

WHEREAS, on April 29, 2022, the Trustee filed a motion (the “Motion”) to enforce the payment terms of the Settlement Agreement against Mr. Fujiwara, offered evidence of the amount now payable and due to the Trustee under the terms of the Settlement Agreement and a

certain Promissory Note related thereto, and requested that the Court enter judgment in the Trustee's favor and against Mr. Fujiwara in the amount of \$4,150,964.38. (ECF No. 117)

[IF NO OBJECTION FILED] WHEREAS, on April ___, 2022, the Trustee having filed a certificate of no objection representing that no objection has been received and that no party has indicated to the Trustee that it intends to oppose the relief requested in the Motion (ECF No. [TBD]); and due and proper notice of the Motion having been given and it appearing that no other or further notice need be provided; and

WHEREAS, the Court having found and determined that the relief sought in the Motion as set forth herein is in the best interests of the Debtor, its estate, creditors, and all parties in interest; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED, ADJUDGED and DECREED that:

1. The Motion is hereby granted;
2. A money judgment in the amount of Four Million One Hundred and Fifty Thousand Nine Hundred and Sixty-Four Dollars and Thirty-Eight Cents (\$4,150,964.38) shall be entered against Defendant John Fujiwara in favor of Plaintiff Irving H. Picard, in his capacity as Trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC, under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–III, and the chapter 7 estate of Bernard L. Madoff; and
3. This Adversary Proceeding shall, upon entry of the attached Judgment, be closed subject to the Trustee having the right to re-open this Adversary Proceeding (i) to conduct post-judgment discovery or (ii) in the event of any further uncured default under the Settlement Agreement.